



COPY OF PAPERS  
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Receipt #5

PATENT

Attorney Docket No.: DIVER1350-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Callen, et al.  
Serial No.: 10/034,849  
Filed: December 21, 2001  
Title: ENZYMES HAVING HIGH TEMPERATURE POLYMERASE ACTIVITY  
AND METHODS OF USE THEREOF

Art Unit: 1632  
Examiner Unassigned

Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in connection with the above-identified patent application,  
please find the following:

- (1) Request for Corrected Filing Receipt; (2 pgs)
- (2) Copy of Filing Receipt reflecting changes; (2 pgs)
- (3) Copy of Patent Application Transmittal Letter; (2 pgs) and
- (4) Return postcard.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are  
being deposited with the United States Postal Service as first class  
mail on this date, 5-29-02, in an envelope addressed to:  
Commissioner for Patents, Washington, D.C. 20231

Janis M. Noyes  
(Name of Person mailing Paper)

[Signature]  
(Signature of Person Mailing Paper)

5-29-02  
Date

In re Application of:

Callen, et al.

Application No.: 10/034,849

Filed: December 21, 2001

Page 2

PATENT

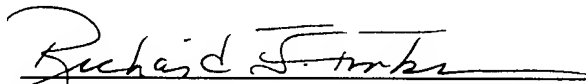
Attorney Docket No.: DIVER1350-5

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355. A copy of this Transmittal Letter is enclosed.

Respectfully submitted,

Date:

May 29, 2002



Richard J. Imbra

Registration No. 37,643

Telephone: (858) 677-1496

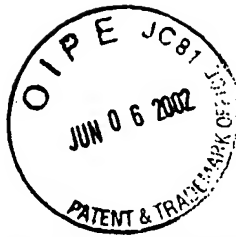
Facsimile: (858) 677-1465

**USPTO CUSTOMER NO. 28213**

GRAY CARY WARE & FREIDENRICH LLP

4365 Executive Drive, Suite 1100

San Diego, California 92121-2133



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Examiner Unassigned

Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231

**REQUEST FOR CORRECTION OF FILING RECEIPT**

Sir:

This Communication is submitted to request correction of the filing receipt in reference to the above-identified application. The data requiring correction is indicated in yellow highlight on the attached copy of the filing receipt and herein in **BOLD**.

Please add inventor —**Jay M. Short, Rancho Santa Fe, CA**—.

Applicants accordingly request the correction be made of record.

| CERTIFICATION UNDER 37 CFR §1.8   |                        |
|---|------------------------|
| I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>5-29-02</u> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 |                        |
| <u>Yinia M. Nazar</u><br>(Name of Person mailing Paper)   |                        |
| <u>[Signature]</u><br>(Signature of Person Mailing Paper)   | <u>5-29-02</u><br>Date |

In re Application of:

Callen, et al.

Application No.: 10/034,849

Filed: December 21, 2001

Page 2

PATENT

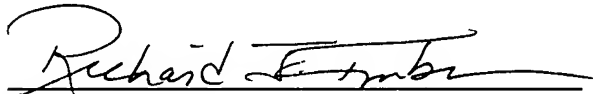
Attorney Docket No.: DIVER1350-5

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date:

May 29, 2002



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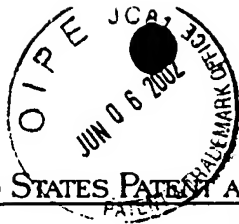
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| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|-----------------|----------|------------|------------|
| 10/034,849         | 12/21/2001  | 1632         | 435           | DIVER1350-5     | 9        | 2          | 2          |

CONFIRMATION NO. 9611

 28213  
 GARY CARY WARE & FRIENDENRICH LLP  
 4365 EXECUTIVE DRIVE  
 SUITE 1600  
 SAN DIEGO, CA 92121-2189

UPDATED FILING RECEIPT



\*OC000000007960947\*

PATENT DOCKETING

MAY 03 2002

GRAYCARY/T.ELLIS

Date Mailed: 04/25/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**
 Walter Callen, San Diego, CA;  
 Eric J. Mathur, Carlsbad, CA;

JAY M. BHOOT, Rancho Santa Fe, CA

- Please add -

**Assignment For Published Patent Application**

Diversa Corporation, San Diego, CA;

**Domestic Priority data as claimed by applicant**
 THIS APPLICATION IS A DIV OF 09/656,309 09/06/2000  
 WHICH IS A CIP OF 09/391,340 09/07/1999  
 WHICH IS A DIV OF 08/907,166 08/06/1997 PAT 5,948,666
**Foreign Applications**

If Required, Foreign Filing License Granted 02/08/2002

Projected Publication Date: 08/01/2002

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

Enzymes having high temperature polymerase activity and methods of use thereof

**Preliminary Class**

435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



COPY OF PAPERS  
ORIGINALLY FILED

December 21, 2001

**Attorney Docket No.:**

Parent Serial No. 09/656,309

Parent Filing Date: September 6, 2000

**Box PATENT APPLICATION**

Commissioner for Patents

Washington, D.C. 20231

Presented for filing is a new divisional patent application of:

Applicant: WALTER CALLEN, ERIC J. MATHUR and ~~JAY M. SHORT~~

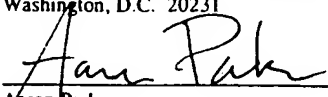
Title: ENZYMES HAVING HIGH TEMPERATURE POLYMERASE ACTIVITY AND  
METHODS OF USE THEREOF

Enclosed are the following papers, including all those required to receive a filing date under  
37 CFR § 1.53(b):

|               | <u>Pages</u> |
|---------------|--------------|
| Specification | 70           |
| Claim(s)      | 1            |
| Abstract      | 1            |
| Drawing(s)    | 9            |

**Enclosures:**

Application Data Sheet  
Permission to use Sequence Listing  
Postcard

|  |
|--|
| <p>"EXPRESS MAIL" Mailing Label Number ET655519746US<br/>Date of Deposit <u>December 21, 2001</u><br/>I hereby certify under 37 CFR 1.10 that this correspondence is being<br/>deposited with the United States Postal Service as "Express Mail Post<br/>Office to Addressee" with sufficient postage on the date indicated<br/>above and is addressed to the Assistant Commissioner for Patents,<br/>Washington, D.C. 20231<br/><br/>Aaron Parker</p> |
|--|

Docket No.  
Box Patent Application  
December 21, 2001  
Page Two

This application is a divisional and claims the benefit of priority under 35 USC § 120 to U. S. Patent Application Serial Number 09/656,309, filed September 6, 2000, which is a Continuation-in-Part application of co-pending U. S. Patent Application Serial Number 09/391,340, filed September 7, 1999, which is a divisional of U. S. Patent Application Serial No. 08/907,166, filed August 6, 1997, now issued as U. S. Patent No. 5,948,666, the contents of which are incorporated by reference in their entirety herein.

Applicants claim small entity status in the above-identified application. Pursuant to 37 C.F.R. §1.27 a Verified Statement is not required.

|   |    |      |
|---|----|------|
| Basic filing fee                                    | \$ | 0.00 |
| Total claims in excess of 20 (0 times \$18.00)      | \$ | 0.00 |
| Independent claims in excess of 3 (0 times \$80.00) | \$ | 0.00 |
| Multiple dependent claims                           | \$ | 0.00 |
| Total filing fee:                                   | \$ | 0.00 |

Please charge Deposit Account No. 50-0661 for the filing fees due.

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please contact the attorney of record, Lisa A. Haile, Ph.D., at (858) 677-1456.

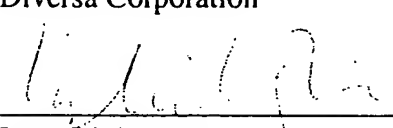
Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please send all correspondence to:

Lisa A. Haile, Ph.D.  
Gray Cary Ware & Freidenrich LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
Telephone: 858-677-1456  
Facsimile: 858-677-1465

Very truly yours,

Diversa Corporation

  
\_\_\_\_\_  
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